



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JRE

Docket No: 2750-99

22 September 2000



Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 September 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you underwent a pre-retirement physical examination on 8 September 1978, and were found fit for transfer to the Fleet Reserve. The only significant defects noted were three sigmoid polyps and gout. The polyps were excised on 15 September 1978; two were benign, and the third was described as having a small area of well differentiated adenocarcinoma at its tip. There was no evidence of invasive carcinoma, and the stalk of the polyp was benign. You were advised to undergo follow-up examinations, but no further treatment was indicated. You were released from active duty on 17 October 1978, and transferred to the Fleet Reserve the following day. Effective 7 August 1987, the Veterans Administration (VA) granted you 10% ratings for gout with right and left knee pain, and 0% ratings for residuals of colon cancer, inguinal hernia repair, septectomy and actinic keratosis, for a combined rating of 20%. A rating was added for a mental disorder effective from 27 July 1993.

The Board noted that the VA assigns disability ratings to veterans with conditions it classifies as "service connected", i.e., incurred in or aggravated by military service. The grant of

service connection is made without regard to the issue of fitness for military service. The military departments may assign disability ratings only in those cases where the service members is unfit to perform the duties of his office, grade, rank or rating by reason of physical disability. The Board was not persuaded that your gout or the excised adenocarcinoma rendered you unfit for duty. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director